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11  
12 **UNITED STATES DISTRICT COURT**  
13 **DISTRICT OF NEVADA**

14 ROY STRASSMAN, Derivatively on Behalf of  
15 MARATHON DIGITAL HOLDINGS, INC.  
16 (f/k/a MARATHON PATENT GROUP, INC.),

17 Plaintiff,

18 v.

19 FRED THEIL, GEORGES ANTOUN, KEVIN  
20 DENUCCIO, SARITA JAMES, JAY LEUPP,  
21 SAID OUSSAL, MERRICK D. OKAMOTO,  
22 AND SIMEON SALZMAN,

23 Defendants,

24 -and-

25 MARATHON DIGITAL HOLDINGS, INC.  
26 (f/k/a MARATHON PATENT GROUP, INC.),

27 Nominal Defendant.  
28

Case No.: 2:22-cv-00724

**MOTION TO TEMPORARILY STAY**  
**ALL MOTION TO DISMISS BRIEFING**  
**AND MEMORANDUM IN SUPPORT**

**STATEMENT OF ISSUE TO BE DECIDED**

Should the Court temporarily stay the current motion to dismiss briefing until a new schedule is set for the filing of a consolidated complaint?

**MEMORANDUM**

Plaintiffs, shareholders of Marathon, request that the Court temporarily stay the motion to dismiss briefing until a new schedule is set for the filing of a consolidated complaint. Plaintiffs have made a Motion to Consolidate this case with two other shareholders' actions as well as to appoint the firms of Wolf Haldenstein Adler Freeman & Herz LLP ("Wolf") and Gainey McKenna & Eggleston ("GM&E") as lead counsel in the consolidated matter.

In order to ensure efficient proceedings in the two matters, Plaintiffs respectfully submit that the briefing on the pending motions to dismiss made in each action should be stayed until this Court rules on the aforementioned motion and sets a new schedule for the filing of a consolidated complaint. In the alternative, should the motion for consolidation and/or appointment of interim co lead counsel be denied, then the Plaintiffs request that their response to the pending motions to dismiss be due twenty-one (21) days after an Order is entered by the Court on this motion.

Currently, Plaintiffs' response to the motion to dismiss is due on Wednesday, May 25, 2022 in *Strassman*, and on May 31, 2022 in *Bernard*. The latter deadline was stipulated to and set prior to the Defendants' bringing of their dismissal motion in *Strassman*. It is therefore worth noting that if the current May 25 deadline were to stand, Plaintiffs would essentially be forced to turn in a response to a substantially similar motion six days prior than what had been previously stipulated and agreed to by the parties.

Defendants have no objection to the proposed consolidation of the two actions, take no position on Plaintiffs' request for a leadership appointment and oppose Plaintiff's request to stay the briefing on the current motions to dismiss.

**CONCLUSION**

Plaintiffs respectfully request that the Court order that the pending motion to dismiss briefing in each action be temporarily stayed until after the actions are consolidated and a schedule is set for the filing of a consolidated complaint. In the alternative, if the instant motion is denied,

1 Plaintiffs ask that any response to the pending motions to dismiss be due twenty-one (21) after an  
2 order is entered on the instant motion.

3 **Affirmation pursuant to NRS 239B.030**

4 The undersigned does hereby affirm that the preceding document does not contain the  
5 social security number of any person.

6 Dated: May 23, 2022.

7 /s/ G. Mark Albright, Esq.

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